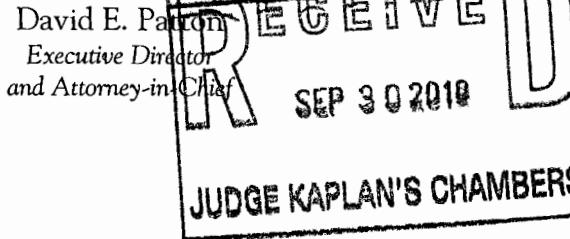


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September 27, 2019

BY ECF AND HAND DELIVERY

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2240
New York, New York 10007

Re: Mohammad Salameh v. United States
16 Cv. 5184 (LAK)

Dear Judge Kaplan:

In 1994 Mr. Salameh was sentenced to 240 years' imprisonment stemming from his 1993 conviction in the bombing of the World Trade Center. Included in his sentence was a 60-year term based on two Counts, Counts Nine and Ten, for violation of 18 U.S.C. § 924(c), each of which resulted in 30-year sentences consecutive to each other and consecutive to the other nine counts. The predicate crime for Count Nine is a violation of 18 U.S.C. § 111 (assault) and for Count Ten is 18 U.S.C. § 371 (conspiracy).

Salameh filed a pro se habeas petition challenging both 924(c) convictions relying on Johnson v. United States, 135 S.Ct. 2551 (2015). This Court stayed the proceedings pending a final decision in United States v. Barrett, which was finally determined in the Second Circuit on August 30, 2019. 2019 WL 4121728.

The government consents to vacating the § 924(c) based on the conspiracy conviction, but argues that the recent decision in United States v. Davis, 139 S.Ct. 2319 (2019) does not invalidate the 924(c) conviction predicated on an assault conviction.

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According to the BOP inmate locator, Salameh's release date is set in 2095. For that reason, we do not object to the government's request for 60 days to respond to the petition. Accordingly, we request that the Court lift the stay and set a briefing schedule consistent with the government's request and with 60 days for a defense response.

Respectfully,

/s/
PHILIP L. WEINSTEIN
Assistant Federal Defender

PLW/ec

cc: Ryan Finkle, Esq.
Assistant United States Attorney
Southern District of New York
(by ECF)

Granted
SO ORDERED
[Signature]
LEWIS A. KAPLAN, USDI
10/1/19